

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARY ELIZABETH MCDANIEL,

Defendant.

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4:08CR3142-2

MEMORANDUM AND ORDER

I have been advised by the United States Probation and Pretrial Services Office that the defendant might have been eligible for a prison sentence reduction under § 404 of the [First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194 \(2018\)](#), which gives retroactive effect to §§ 2 and 3 of the [Fair Sentencing Act of 2010, Pub. L. No. 111-220, 124 Stat. 2372 \(2010\)](#), but the defendant has been released from prison and is on supervised release. The United States Probation and Pretrial Services Office advises that there will be no worksheet prepared for purposes of evaluating a possible prison sentence reduction inasmuch as the defendant has now been released from prison. Therefore,

IT IS ORDERED that the undersigned will take no further action regarding the applicability of the First Step Act to the defendant. However, the Federal Public Defender or his designee is not precluded from seeking relief under the First Step Act in this case should that be deemed appropriate. Any such request for relief shall be initiated by a motion and supporting brief. The Clerk shall provide a copy of this order to USPO Kelly Nelson, Federal Public Defender David Stickman, and Supervisory Assistant United States Attorney John Higgins.

DATED this 1st day of February, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge